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February 25, 2009

VIA ECFS

The Honorable Michael J. Copps
Acting Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *KBHC Application for Review; Toll Free Service Access Codes, CC Docket No. 95-155; SAMHSA Petition for Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers, WC Docket No. 07-271.*

Dear Chairman Copps:

This letter is to update the record in the above-captioned matter concerning the financial status of the Kristin Brooks Hope Center (“KBHC”), a private, non-profit suicide prevention organization. KBHC’s financial status is important because three crucial, toll-free numbers which provided access to suicide prevention counseling (“the suicide prevention numbers”), and which were operated by KBHC for eight years were temporarily reassigned from KBHC by the FCC on January 22, 2007, and placed with the Substance Abuse and Mental Health Services Administration (“SAMHSA”), an agency under the Department of Health and Human Services. The FCC’s authority and rationale for this extraordinary action was that “[t]he financial vulnerability surrounding KBHC’s provision of the suicide prevention numbers poses a significant threat to the continued availability of this critical public service.”¹ As this letter demonstrates, KBHC’s finances are now strong; all its debts and liabilities have been resolved, and it is ready, willing, and eager to obtain the return of its toll-free numbers and continue the mission for which it was formed and for which it has won numerous accolades and awards over the past decade. The temporary reassignment has served its purpose and now should be rescinded.

¹ *Toll Free Service Access Codes, CC Docket No. 95-155, Order, 22 FCC Rcd 651, 654 (2007) (Temporary Reassignment Order).*

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KBHC Has Resolved All Disputes and Contingent Liabilities

At the time of the FCC's temporary reassignment of the toll-free numbers, KBHC was in significant payment disputes with two telecommunications vendors – Patriot Communications and AT&T – for past services rendered. SAMHSA only became involved in the dispute because it had agreed to pay the ongoing charges (but not the past due amounts) to keep the lines operating. When SAMHSA first requested the Commission reassign the suicide prevention numbers, KBHC owed approximately \$67,900 to Patriot and approximately \$650,000 to AT&T, and was in a billing dispute with each carrier.

KBHC entered into a confidential settlement agreement with Patriot in February 2007 that resolved all issues between KBHC and Patriot, including all outstanding debts. Then, in May 2008, KBHC and AT&T also entered into a confidential settlement agreement under which KBHC would resolve the debt to AT&T pursuant to a payment plan. KBHC made the final payment under that plan in August 2008, and KBHC has no further debt or dealings with AT&T.

KBHC Has No Outstanding Debts or Liabilities and Is Fully Capable of Funding Its Lines

With the resolution and full implementation of its agreements with AT&T and Patriot, KBHC has eliminated all its outstanding debts of significance. Any current debts or liabilities are small, routine monthly bills. Moreover, KBHC has realized a substantial improvement of its financial position through extensive fundraising efforts. Today, KBHC has existing and pledged assets of more than \$1 million. In addition, fundraising efforts are ongoing and are certain to continue to bring in sufficient resources to continue the operation of the 11 crisis counseling lines still operated by KBHC and the three temporarily reassigned suicide prevention numbers when they are returned.

It should be noted that since the disputed numbers were removed in January 2007, and despite the disputes with AT&T and Patriot, KBHC continued to operate 11 crisis counseling toll-free numbers as mentioned above. KBHC has facilitated the answering of tens of thousands of calls on these toll-free numbers since the FCC action without interruption and with the same high level of quality that KBHC has consistently provided. KBHC can assure the Commission that upon the return of the three temporarily reassigned numbers to KBHC they will receive this same level of quality and reliability. This is due, in part, to the network sharing arrangement that KBHC entered into with another, larger non-profit organization. All told, the agreement reduces KBHC's expected network costs to only \$120,000 per year for all of KBHC's numbers, including the costs associated with the return and operation of the three temporarily reassigned suicide prevention hotlines. More detailed information on this arrangement has previously been submitted for the record before the Commission.

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As demonstrated in the attached affidavit of H. Reese Butler, who serves as President of KBHC, KBHC's monthly telecommunications expenses *including network costs* are approximately \$9,100. To cover those costs, KBHC has current reserves of \$240,000. This ensures that KBHC can operate the toll-free lines for 2 years based solely on existing assets. In addition, KBHC has numerous volunteers and civic organization pledged to contribute almost \$1 million per year over the next five years. Of course, as with any non-profit, private organization, KBHC will continue its vigorous fundraising efforts so that it may operate the lines for many years to come.

The Goal of the WCB's Temporary Reassignment Order Has Been Fulfilled

In the *Temporary Reassignment Order* which reassigned the three toll-free suicide prevention numbers for 12 months (since subject to a series of short extensions), the Wireline Competition Bureau took the extraordinary action of reassigning the suicide prevention numbers based on a fear that KBHC's financial situation posed a possible threat to the continued operation of the lines. This threat was seen as creating an emergency situation justifying a dramatic departure from the Commission's number assignment rules.² The Order represents only the second time in memory when the FCC has departed from its own rules by forcibly reassigning a toll-free number from one end user to another. (Besides 800-SUICIDE, the other instance involved reassignment of 800-RED-CROSS after Hurricane Katrina.)³ At the time, KBHC opposed the temporary reassignment and offered assurances that it would be able to keep the numbers in operation. However, the WCB deemed the Patriot and AT&T disputes to constitute sufficient financial threats to KBHC's viability that KBHC's protests were not heeded and the temporary reassignment was ordered. The WCB made the reassignment temporary in order to allow KBHC to demonstrate its financial strength and gain the subsequent return of its numbers. By this letter and the attached affidavit, as well as through its previous filings, KBHC has made such a showing. KBHC's capability is further demonstrated by its continued operation of the 11 other toll-free suicide prevention numbers that were not reassigned.

Now that KBHC has demonstrated beyond dispute that there is no threat to the continued operation of the lines by the return of the numbers to it, and that whatever emergency was perceived or feared is no longer in existence, the temporary reassignment should be dissolved and the custodianship of the three reassigned numbers should be returned to KBHC.

² *Temporary Reassignment Order*, 22 FCC Rcd at 654 ("The financial vulnerability surrounding KBHC's provision of the suicide prevention hotlines poses a significant threat to the continued availability of this critical public service.").

³ *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 20 FCC Rcd 15089 (2005) (temporarily reassigning 1-800-RED-CROSS from 1-800-IDEAS.com to the American Red Cross); *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 21 FCC Rcd 9925 (2006) (permanently reassigning 1-800-RED-CROSS from 1-800-IDEAS.com to the American Red Cross).

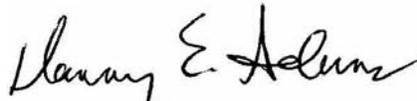
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The numbers and the national suicide hotline utilizing them was created by KBHC in 1997 by Reese Butler, using his own money and efforts, as a tribute to his deceased wife, Kristin Brooks. Mr. Butler built the toll-free hotlines into a nationally recognized suicide prevention program, taking over 2 million calls in the more than eight years that KBHC operated the numbers before the WCB temporarily reassigned them. There is now no reason to refuse to return the numbers to KBHC and allow it to continue its noble and successful work.

KBHC pledges to work with SAMHSA while the numbers are returned to KBHC in order to ensure a smooth transition back to KBHC's operations. This should not be difficult because (1) SAMHSA is solely a funding organization, it does not actually operate the phone lines or call centers, instead relying on the same local call centers as does KBHC, and (2) KBHC has maintained all its capabilities during the reassignment period through its continued operation of the 11 other lines. Thus, the transition of the numbers from SAMHSA to KBHC can be accomplished with virtually no disruption or impairment of the services. To the extent necessary to accommodate SAMHSA, KBHC will agree to allow SAMHSA to continue to operate the numbers for 12 months, or until the end of its current program cycle, whichever comes first.

Sincerely,



Danny E. Adams

Counsel for the Kristin Brooks Hope Center

two million calls were received by the suicide prevention hotlines and the lines were credited with saving thousands of lives.

2. I make this Declaration based on personal knowledge, unless otherwise indicated.
3. I have read the attached letter from Danny E. Adams, Counsel for the Kristin Brooks Hope Center, to Michael J. Copps, Acting Chairman of the Federal Communications Commission, and can attest to the accuracy of the facts stated therein.
4. Specifically, I can attest to the facts regarding the costs of operating the suicide prevention hotlines and KBHC's own financial situation. Based on my experience operating the disputed numbers and more than ten other toll free numbers in my role as the President of KBHC for the last eight years, SAMHSA's cost estimates for the telecommunications services necessary to support the volume of calls to the suicide prevention hotlines are inflated and misleading. In fact, KBHC can obtain these services for an average of less than \$10,000 per month, which KBHC is able to pay indefinitely.

Synopsis of the Option-Line Agreement

5. KBHC has already retained telecommunications services capable of supporting the suicide prevention hotlines. On March 20, 2008, KBHC entered into an agreement with Heartbeat International, Inc., Care Net, and Option Line for the purposes of establishing a formal cooperative relationship to provide telecommunications services to support the suicide prevention hotlines. As part of the agreement, Option Line agreed to provide the telecommunications services that underlie the suicide prevention hotlines. Services provided by Option Line

include routing, reporting, real-time call tracing, and access to Option Line's call center management tools, which include logging tools to determine call volume, caller demographics, and referrals.

6. Option Line has negotiated a rate that will result in KBHC being charged a rate of \$0.057 per minute for all calls to the suicide prevention hotlines. At the current rate of approximately 20,000 calls per month and an average call length of eight minutes, the average monthly bill is expected to be approximately \$9,100.
7. KBHC has also contracted with Micktel Corporation to provide all the same services that underlie both the Option Line agreement and the suicide prevention lines as currently operated by SAMHSA. Micktel has agreed to match the terms and rates offered by Option Line, providing redundancy for KBHC and placing KBHC in a position to choose its vendor.

SAMHSA's Estimation of Its Expenses Demonstrate Its Inefficiency

8. Eric Broderick, Deputy Administrator for SAMHSA, states in his declaration of June 25, 2008, that "telephone services to support [a] call volume of more than 20,000 calls monthly costs an average of \$28,320 monthly." Assuming that the average length of a call to the suicide hotlines is eight minutes, that amounts to more than \$0.17 per minute. Based on my more than ten years of experience operating these and other hotlines, there are numerous carriers who offer rates significantly lower than that obtained by SAMHSA. As indicated above, KBHC has already arranged for a rate of \$0.057 per minute for all calls to the suicide prevention hotlines.

9. SAMHSA also conflates its support of the crisis centers to which the suicide prevention hotlines route callers with the operation of the hotlines itself. KBHC has never paid crisis centers to take calls to the numbers it routes. Rather, the crisis centers are paid for by the communities in which they operate to take the calls from members of that community. The suicide prevention hotlines function as a single number that can be used to reach local crisis centers through the use of geo-routing software. KBHC's mission has been one of public outreach (to create awareness of the crisis-counseling resources available) and of coordination (building a network of crisis centers to answer calls to the suicide prevention hotlines). While SAMHSA's support of the crisis centers themselves is laudable, it is unrelated to the operation of the suicide prevention hotlines themselves. The hotlines themselves (*i.e.*, excluding KBHC's outreach efforts) perform merely a routing and transmission function.

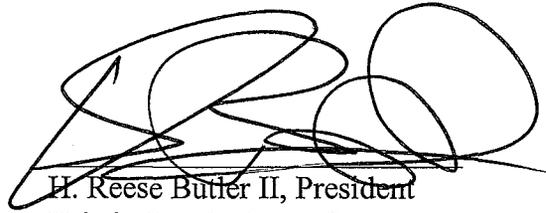
KBHC's Finances And Fund Raising Efforts

10. KBHC no longer has any significant debts or liabilities. In February 2008, KBHC entered into a final settlement agreement with AT&T that resolves all claims between the two companies; the final payment under that settlement was made on August 16, 2008. Furthermore, KBHC resolved all of its payment disputes with Patriot Communications in February 2007. As such, KBHC's operation of the suicide prevention hotlines will be unencumbered by any debts previously owed by KBHC.
11. KBHC's strong fundraising efforts ensure that KBHC will be able to operate the suicide prevention hotlines for the foreseeable future. During one of its recent

fundraising events, KBHC raised for its own use more than \$30,000 in just five days through its partnership with other suicide prevention organizations, including PostSecret and To Write Love on Her Arms (TWOLOHA.com). In addition, KBHC has been the recipient of repeat grants from BMS, and support of more than \$200,000 from AstraZeneca, Pfizer, and Forrest Labs. Further, in February 2009, KBHC entered into an agreement with Fuel Records (distributed by EMI) to jointly produce the "Pick Up the Phone Tour Compilation CD." KBHC has partnered with Postsecret.com and TWLOHA.com, two of the largest community support web sites on the Internet, to produce the tour itself, which is expected to be larger and more visible than previous tours. *See* Attachment A – Tour Announcement. KBHC's previous tours have raised an average of \$100,000 a year for KBHC since it first began them in 2001, and given the increased visibility of the artists participating in this tour, KBHC expects proceeds from this tour to exceed all previous ones. Finally, KBHC has launched its 99 Club Fund Raising program, and already has over 200 volunteers and civic organizations pledged to contribute more than \$990,000 over the next year. Free of past debts and funded by the fruits of these efforts, I can assure the FCC that KBHC will be able to operate all its toll-free numbers, including the three temporarily operated by SAMHSA, without interruption long into the future.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and information and belief.

February 24, 2009



H. Reese Butler II, President
Kristin Brooks Hope Center

February

SUBSCRIBED and SWORN TO before me on this 24th day of , 2009



Notary Public for the District of Columbia
Karen L. Butler

My Commission Expires: June 30, 2009

ATTACHMENT

A



February 4, 2009

I am proud to offer my label to be involved and associated with the "Pick Up the Phone Tour" in the spring of 2009. In return for my band Senate's involvement with the tour, I am willing to commit the full resources of my label to include production and distribution via EMI of the Pick Up The Phone Tour Compilation "Call On Me" featuring Alkaline Trio and Single File. Distribution includes all physical CDs to be distributed via EMI in North America, worldwide digital distribution, and digital album cards in North America that will contain video content. As it warrants and is mutually agreed to. KBHC may choose at anytime to expand physical CD distribution to include Canada, Europe and the Pacific Rim Countries. The Compilation CD "Call On Me" and video content by various Artists will be the body of work distributed both electronically as a whole and individual units in records stores and other retail outlets.

Part of the resources we pledge are the following:

The label is owned in partnership with multi-Grammy winning Producer/Artist RockWilder who will reach out to the platinum artists he has produced over the years to secure one time license use of relevant songs for this project. Some of those artists RockWilder has produced and maintains a relationship with include Jay-Z, Busta Rhymes, Janet Jackson, Destiny's Child, Beyonce, Missy Elliott, Christina Aguilera, Lil' Kim, and Pink as well as many other well known artists many of who have been touched by suicide. Additionally, we will reach out to our contacts at EMI and other labels to secure other artists such as Sevendust, Braking Benjamin, Evanescence, Shinedown, etc.

The details of the contract between Fuel/EMI and the Kristin Brooks Hope Center are as follows:

Fuel/EMI will manufacture and distribute the "Call On Me" CD package and return 100% of the royalties and profits after the costs of manufacturing and distribution have been paid. Fuel and KBHC have agreed to produce a package that will not exceed \$3 to manufacture and distribute. 10,000 copies will be pressed by Fuel Records/EMI and we will continue to press additional copies as sales warrant under the same arrangement.

If the CD wholesales for \$9.99 KBHC will realize a maximum of \$69,999 on those 10,000 CDs. We will supply a minimum of 1,000 copies for sale on the Spring or Fall PUTP Tour (depending on when the project is ready) at our cost which will not exceed \$2 per copy. We will drop ship the run to where ever the first date of the tour begins or at a specified location within the US at no additional charge to KBHC. We will reimburse the label for the cost of production of these 1,000 copies from the royalties due KBHC. So no cash will have

to be paid out in advance by KBHC to the label. KBHC is free to sell the CDs on the tour at whatever price the market will bear. We will resupply KBHC throughout the tour if and when needed.

We will leverage the full marketing and support that Fuel Records and EMI have to offer to make sure this CD gets the exposure it deserves. All we ask in return is that Senate be the opening act along with Single File and Anberlin supporting the Headliner Alkaline Trio on the Spring Tour.

With platinum artists on a Suicide Prevention CD and with all proceeds after manufacturing and distribution costs going to the cause it is hard to imagine that this CD will do anything less than the Take Action Compilation (7 annual compilations were produced without a single Platinum selling artist). Those compilations averaged 40,000 sales per compilation.

If "Call On Me" meets or exceeds that goal the net proceeds to the charity can and should exceed \$250,000. This CD and each tours subsequent CDs will support the KBHC for many years to come. Each of the single use agreements will cover a minimum of three years of sales both electronically and in single unit format.

Terms of the deal for Fuel Records regarding the band Senate:

Senate will be listed as support on all future press releases on the Pick Up The Phone Tour, will open for Anberlin and follow Single File, will be allowed to sell merchandise at the Alive Mental Health Fair as well as in the venue during the show.

It is agreed that the quality and quantity of platinum selling artists is more important than the release date. If by February 28th 2009 the number of platinum selling artists is less than 10, it will be up to KBHC and their partners in this project to make the determination to delay production for the Spring Tour.

Regardless of that choice the arrangements for Senate will be the same and the release date will be pushed to late summer or early fall to maximize the sales of this compilation.

Dave Drazen
CEO & Chairman

